

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

REMY & ASSOCIATES, L.L.C.,

Case No. 10-11085

Plaintiff,

Hon. Gerald E. Rosen

v.

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

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ORDER AWARDING ATTORNEY FEES AND COSTS

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 5, 2012

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

In a ruling issued on February 2, 2012, the Sixth Circuit Court of Appeals affirmed this Court's dismissal of Plaintiff's claims,¹ and remanded the case to this Court for an award of the attorney fees and costs incurred by Defendant in the appellate phase of this litigation.² Following this remand, Defendant has filed a motion seeking an award of \$14,875 in attorney fees and \$429.41 in costs, for a total award of \$15,304.41. Plaintiff

¹The order of dismissal and accompanying judgment were issued by Judge Anna Diggs Taylor, and the case was then reassigned to the undersigned Judge for disposition of Defendant's post-judgment motion for an award of attorney fees and costs.

²As noted in the Court's prior order awarding Defendant its fees and costs incurred in securing the dismissal of Plaintiff's claims, the basis for such an award in this case rests upon a term in the parties' lease that authorizes an award of reasonable attorney fees and costs to the prevailing party.

has not responded to this motion, and the time for doing so has passed.

Having reviewed Defendant's motion, the accompanying affidavit of counsel and supporting invoices, and the record as a whole, the Court is satisfied that Defendant's present request for fees and costs is reasonable under the circumstances, and reflects appropriate amounts of attorney time spent and expenses incurred in the course of Plaintiff's appeal. Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's February 27, 2012 motion for award of attorneys' fees and costs (docket #24) is GRANTED. IT IS FURTHER ORDERED that Defendant is awarded, and Plaintiff is directed to pay, **\$14,875.00** in attorney fees and **\$429.41** in costs, for a total of **\$15,304.41**.

SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: April 5, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 5, 2012, by electronic and/or ordinary mail.

s/Ruth A. Gunther
Case Manager